REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested.

In the "Response to Arguments" section, the Examiner argues that several argued distinguishing features were not recited in the rejected claims. However, at least some of these argued distinctions are actually underlined advantages of the claimed invention, not necessarily "features" of it recited in the claim.

In any event, independent claims 38 and 49 have now been amended to more explicitly recite more distinguishing details. For example, the identification of keywords and the resulting creation of a user profile (both during the learning phase), and the identification of "potentially-related keywords" for (potential) refinement of the search query during actual searching, are all performed automatically (i.e., without requiring human intervention).

The advantage of discovering of keywords automatically is now clearly recited in the claims. See the second step of claim 1 (i.e., analyzing said documents and automatically identifying, according to predetermined rules, groups of related keywords therein.

The advantage of being capable of creating, and optionally updating, a user profile without requiring human intervention is now explicitly recited in a "thereby" clause in the third step (i.e., "assigning attributes...") which is now also an automatic step.

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The advantage of refining the search query itself, possibly wit hout requiring users to provide individually-entered preferences or personal data, depends for its benefit on whether or not the user responds to the step of "providing said potentially-related keywords to the user". If the user <u>does</u> respond, the information is received (see the "receiving information from the user..." step) and used - the following step: "in the event that ..." governs how the information is used. While the method according to the invention advantageously affords a user the chance to benefit from this third advantage every time, the user only really benefits from this at times when the user <u>doesn't</u> respond.

The rejection of claims 38-43, 45, 48-56, 58 and 60 under 35 U.S.C. §102 as allegedly anticipated by Fables '532 is respectfully traversed.

Many deficiencies of Fables have already been noted in a prior submission and such is hereby expressly incorporated by reference.

Fables uses <u>manually pre-defined lists</u>. Explanations of Fables' "Site Word Map", "Site Navigation Map", "User Profile" and "Personal Word Map" are provided in paragraphs [0023] to [0026] of Fables. The manner in which each is prepared is specifically stated to require interaction with the user. None of these could therefore correspond to applicant's user profile, at least some keywords of which have been <u>identified automatically</u> from an <u>automatically-accessed</u> predetermined set of documents.

Given such fundamental deficiencies of Fables with respect to features already discussed, it is not believed necessary to discuss additional deficiencies of Fables with respect to other features of the rejected claims. Suffice it to note that, as a matter of law,

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it is impossible for any reference to anticipate any claim unless that reference teaches each and every feature of the claims.

The rejection of claims 44 and 57 under 35 U.S.C. §103 as allegedly being made "obvious" based on Fables in view of Choi '793 is also respectfully traversed.

The fundamental deficiencies of Fables already noted above are not supplied by Choi. Accordingly, it is not believed necessary at this time to detail the additional deficiencies of this allegedly "obvious" combination of references with respect to the additional features recited in rejected claims 44 and 57.

Similarly, the rejection of claims 46, 47 and 59 under 35 U.S.C. §103 as allegedly being made "obvious" based on Fables in view of Kawasaki '375 is also respectfully traversed. Once again, fundamental deficiencies of Fables already noted above are not supplied by Kawasaki and therefore it is not believed necessary to discuss additional deficiencies of this allegedly "obvious" combination of references with respect to the additional features of these rejected claims.
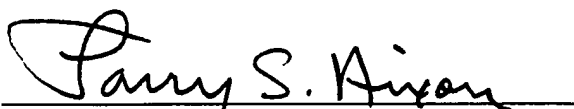
In general, with respect to "obviousness" under 35 U.S.C. §103, it is believed inappropriate to use hindsight in view of the applicant's own invention to pick and choose selective features from other references -- even if they happen to be in the same field of endeavor. The question of obviousness under 35 U.S.C. §103 must be made without the benefit of any of the applicant's own teaching. An allegation by the Examiner that the proposed modification by picking a particular feature from another reference would have been "obvious" merely because it allegedly provides the

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advantages taught by applicant _if_ such a selective combination had been considered, begs

the question. The question is whether or not it would have been obvious to those of only

ordinary skill in the art at the relevant time to make that selective combination of

features.

KSR did not ignore the dangers of hindsight: "A factfinder should be aware, of

course, of the distortion caused by hindsight bias and must be cautious of arguments

reliant on ex post reasoning." KSR Int'l Co. v. Teleflex, Inc., 550 U.S. ___, 82 USPQ2d

1385, 1397 (2007). Although the Court rejected the "[r]igid preventive rules," id., that

had been erected by the Federal Circuit, it did _not_ enable the use of hindsight in

determining obviousness.

Respectfully submitted,

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